

## The Mijikenda Kaya Forests (Kenya)

No 1231 rev

*Official name as proposed  
by the State Party:* The Sacred Mijikenda Kaya Forests

*Location:* Coast Province

*Brief description:*

Spread out along around 200km of the coast province are 11 separate densely forested sites, mostly on low hills, ranging in size from 30 to around 300 ha, in which are the remains of fortified villages, *kayas*, of the Mijikenda people. They represent more than fifty surviving *kayas*. Tradition tells how *kayas* were created from the 16<sup>th</sup> century as the Mijikenda migrated south in response to marauding attacks on agriculturalists by pastoralists. Archaeological investigation at some sites provides evidence of earlier occupation.

The *kayas* began to fall out of use in the early 20<sup>th</sup> century and all were abandoned by the 1940s after their occupants, in response to settled times, moved to lower ground. The *kayas* are now seen as the abode of ancestors, are of symbolic significance and revered as sacred sites. Although there are few remains of the *kaya* structures, the layout of the settlements within the forest and the forest itself has been protected by generations of elders. The forest sites are now almost the only well preserved remains of the once extensive, coastal, lowland forest of East Africa.

*Category of property:*

In terms of the categories of cultural property set out in Article 1 of the 1972 World Heritage Convention, this is a serial nomination of *sites*. In terms of the *Operational Guidelines for the Implementation of the World Heritage Convention* (2 February 2005) paragraph 47, it is also nominated as a *cultural landscape*.

### 1. BASIC DATA

*Included in the Tentative List:* 28 September 1999

*International Assistance from the World Heritage Fund for preparing the Nomination:* 3 June 2002

*Date received by  
the World Heritage Centre:* 1<sup>st</sup> February 2006  
25 January 2008

*Background:* This is a referred back nomination (31 COM, Christchurch, 2007).

A first nomination dossier for The Sacred Mijikenda Kaya Forests was examined by the World Heritage Committee at its 31<sup>st</sup> session (Christchurch, 2007). At the

time, ICOMOS recommended to defer the examination of the nomination in order to allow the State party to:

1. Carry out documentation and surveys of the cultural and natural aspects of the *kayas*, and historical research from oral, written and archaeological sources, in order to reconsider and justify the inclusion of the selected sites in the nomination and to justify the application of the criteria.
2. Designate all *kayas* as National Monuments.
3. Further develop the draft management plan to integrate the conservation of cultural and natural resources and traditional and non-traditional conservation and management practices, and to support sustainable development initiatives which allow full participation of, and benefit to, local communities.
4. In the short term, consider how further protective measures may be put in place to ensure no further erosion of the *kayas* in the face of threats from development, extraction and poaching.
5. Consider ways to identify and protect the settings of the *kayas* from major developmental threats, particularly mining.

The World Heritage Committee adopted the following decision (31 COM 8B.21):

*The World Heritage Committee,*

1. Having examined Documents WHC-07/31.COM/8B and WHC-07/31.COM/INF.8B.1,
2. Refers the nomination of the Sacred Mijikenda Kaya Forests, Kenya, to the World Heritage List back to the State Party to allow it to:

- a) Carry out documentation and surveys of the cultural and natural aspects of the *kayas*, and historical research from oral, written and archaeological sources, in order to reconsider and justify the inclusion of the selected sites in the nomination and to justify the application of the criteria.
- b) Designate all *kayas* as National Monuments.
- c) Further develop the draft management plan to integrate the conservation of cultural and natural resources and traditional and non-traditional conservation and management practices, and to support sustainable development initiatives which allow full participation of, and benefit to, local communities.
- d) In the short term, consider how further protective measures may be put in place to ensure no further erosion of the *kayas* in the face of threats from development, extraction and poaching.
- e) Consider ways to identify and protect the settings of the *kayas* from major developmental threats, particularly mining.

3. Recommends the State Party to consider, in the future, a renomination of this property to add criterion (vi) to represent the sacred spaces and traditional knowledge and practices of the Mijikenda people.

A revised nomination was submitted by the State Party in January 2008. This has reduced the number of nominated *kayas* from 36 to 11 and has provided further information on individual sites and supplementary data for the comparative analysis. It is in effect a new nomination. As the nomination was referred back by the Committee in 2007, ICOMOS has not been able to send a new Mission to the property to verify the new evidence that has been put forward.

*Consultations:* ICOMOS has consulted its International Scientific Committees on Historic Gardens – Cultural Landscapes and on Intangible Cultural Heritage. In December 2006, IUCN provided an evaluation of the natural attributes of the site.

Comments on the assessment and management of the natural heritage values of the revised nomination were received from IUCN on 7 March 2008 and are related to the following issues:

- Comparative analysis;
- Legal status;
- Boundaries;
- Management;
- Threats.

This information was carefully considered by ICOMOS in reaching its final decision and recommendation in March 2008.

*Literature consulted (selection):*

Spear, Thomas, *The Kaya complex: a history of the Mijikenda peoples of the Kenya coast to 1900*, PhD thesis, 1974.

Tinga, Kaingu Kalume, "The Presentation and Interpretation of Ritual Sites: the Mijikenda Kaya case", *Museum International*, vol 56, 2004.

Willis, J, *Mombasa, The Swahili and the making of the Mijikenda*, 1993.

Willis, J, "The northern Kayas of the Mijikenda: A gazetteer, and an historical reassessment", *Azania*, vol 31, 1996.

*Technical Evaluation Mission:* A joint ICOMOS-IUCN mission visited the site from 1 to 7 October 2006 to consider the original nomination. As this is a referred back nomination, no further mission has been undertaken.

*Additional information requested and received from the State Party:* None

*Date of ICOMOS approval of this report:* 11 March 2008

## 2. THE PROPERTY

*Description*

The revised serial nomination consists of 11 forested sites, once fortified villages and now protected by the

Mijikenda community as the sacred abode of their ancestors. (The original nomination was for 36 sites.) All the sites are botanically diverse residual patches of once-extensive Zanzibar-Inhambane lowland forests of East Africa, on knolls rising to not more than six hundred metres and all within around 35 kilometres of the Indian Ocean.

The sites lie in the coastal province of Kenya, set back a short distance from the coast.

The sites all contain remains of *kayas* (or *makaya*), fortified villages inhabited by the Mijikenda people from around the 16<sup>th</sup> to the 19<sup>th</sup> century until their gradual abandonment between the early to mid 20<sup>th</sup> century as people dispersed to the plains during more settled times. Tradition records that the forested sites were settled by Mijikenda agriculturalists migrating south in the face of pressure from pastoralists such as the Akwavi Maasai, Orma or Galla, from their homelands, north of Tana in present day Somalia.

A typical *kaya* consisted of a circular stockade in a clearing in the forest, with gates of dry stone walling and a wooden door-frame, approached by well defined paths through the dense surrounding forest, with a succession of gates on each path, part of the defensive system of the village. Houses were arranged around the edge of the stockade and within the centre of the village there would be either a grove of trees or a large thatched structure called a *moro*, places for meetings of the council of elders. Certain protective objects, *finigo*, brought from the original homeland in Singwaya were buried in the centre of the villages (and are still believed to have survived in one or two sites).

A small number of elders continued to live in the *makaya* for many decades after the bulk of the population moved out. And the *kaya* forests came to be used as communal ceremonial areas, burial grounds and as places of prayer and for the collection of fruits, medicinal herbs, lianas etc.

Although there are almost no remains of houses or stockades, the layout of the key areas of all the villages is still discernible and maintained. Paths lead through gates into the central open space where the location of the *moro* is known. Shrines and grave sites in the surrounding forest, and in one *kaya* the sites of drum huts, are carefully tended. Some of the graves are still actively used as the resting places of the fathers of the Mijikenda society. Carved memorial posts called *vigango*, or stone markers, were placed at the head of the graves of elders.

The remains of the villages, and their surrounding forests have now assumed a symbolic significance and are revered as sacred sites. The sacredness attributed to them is a means of protection – controlling access and conduct through strength of spiritual beliefs and taboos rather than policing of the sites. The penalty for infringement would vary according to the magnitude of the transgression, but usually fines of livestock or fowl, would be sacrificed to appease offended spirits.

All the community including women, are entitled to visit the site if they so wish, as well as using the site under the elders' guidance for ritual and ceremonial purposes.

The rituals that take place at some of the *kayas* reflect a religion which is rooted in the reverence of ancestral spirits and a monolithic deity (*Mulungu*), a pre-Islamic and pre-Christian belief system found in eastern and southern Africa. *Kaya* ritual prayers are performed in the local vernacular language and thus also serve as a medium for preserving the local languages and dialects. The preservation of the Mijikenda sacred forests is therefore linked to sustaining their religious traditions and languages.

The communal protection of these sites by the Mijikenda elders and descendants of those who used to live there, through forbidding the cutting of trees, banning grazing and placing restrictions on the hunting of certain animals in the *kayas*, has had the effect of protecting almost all that remains of the once extensive coastal lowland forest in Kenya. Within the forest a number of critically endangered, endangered and vulnerable species have been recorded. These remnants of forests are now surrounded by intensive plantations of cashew, mango and coconut and are near some of the fastest growing coastal development areas.

The nominated sites are found mainly on hills but also in the coastal lowlands. Eight of the sites form a linear cluster some 30 km in length; one is some 20 km further inland and another, an outlier, 40 km to the south. The sites range in size from 30ha to around 300ha. Many of the sites are near to intensively cultivated agricultural land, and growing urban developments and a subject to a wide variety of threats (see threats below). There are no buffer zones.

The *kayas* can be grouped into nine, reflecting nine clans of the Mijikenda (which means nine tribes) who speak different dialects of the same language and all claim descent from one ancestral area of Singwaya, which oral tradition links to present-day Somalia. Within each clan group, the *kayas* can be further separated into primary *kayas*, settled by the first representatives of the various clans and secondary *kayas* settled by those who split away from the earlier villages, sometimes considerable distances away.

The nominated *kayas* are part of a larger group of 50 identified in Kenya. Some are also known in Tanzania to the south and one has been identified even further south in Mozambique.

Five of the nominated sites are primary *kayas*: *Kaya Giriama*, *Kaya Jibana*, *Kaya Kambe*, *Kaya Ribe* and *Kaya Kinondo*, and six secondary *kayas*: *Kaya Kauma*, the three *Rabai Kayas* and the two *Duruma Kayas*.

The nominated sites extend to 1,538ha.

The nominated property consists of:

*Primary kayas:*

- *Kaya Giriama (Fungo)*
- *Kaya Jibana*

- *Kaya Kambe*
- *Kaya Ribe*
- *Kaya Kinondo*

*Secondary kayas:*

- *Kaya Kauma*
- *Three Rabai Kayas - Mudzimuyya, Bomu and Fimboni*
- *Two Duruma Kayas – Mtswakara and Gandini*

These are considered separately:

*Primary kayas:*

- *Kaya Giriama (Fungo)*

*Kaya Fungo*: a primary *kaya* of the second group to leave Singwaya; this apparently was the third location of the *kaya*. Named after a leader, Fungo, who repelled raiding Maasai in the mid 19<sup>th</sup> century. On the semi-arid Nyika Plateau. The remaining lowland dry forest is surrounded by pasture for livestock form three villages.

Within the central open space, two thatched ritual huts are maintained, to house secret objects and for oaths. Both are made of highly specific materials. Access to these huts is restricted to certain elders.

Within the forest there are places of prayer, such as tall trees, by a river or spring, or the grave of the founders.

The *kaya* is controlled by a group of *Kaya Elders* who meet regularly to enforce a code of rules for entry and use.

- *Kaya Jibana*

*Kaya Jibana* lies approximately 30km inland from Mombasa. Its moist rich, lush, deciduous forest extending 2km along a prominent ridge, forming a notable local landmark. It is surrounded by five villages where coconuts and, cashews are grown as cash crops.

Archaeological investigations carried out in 2000 revealed evidence of settlement from between 100 BC and 1000 AD, initially by stone-working communities. At the turn of the 20<sup>th</sup> century, a significant settlement was described within the gates of the *kaya*; by 1913 the site had been largely abandoned as a village, with people moving to the surrounding areas.

The *kaya* contains all the various common elements such as gates, paths, central open area, shrines and graves, but its layout differs from other *kayas*, with the graves being far from the centre. They include that of Me-Kirombo, a famous healer and diviner.

Each year the *kaya* is used for important ceremonies such as the rain ceremony between January to March.

Elders control the clearing of paths and the enforcement of rules of access.

The forest in the southern part of the site is in good condition; in other parts there is secondary forest and old cultivation areas.

- *Kaya Kambe*

This *kaya* lies on the seaward side of the ridge some 2km from Kaya Jibana. It too sits in a landscape of villages interspersed by coconut and cashew plantations on three sides, but on the forth is a lead mine opened in the 1970s.

Kaya Kambe was documented as a large village in 1844 and in 1913-4 it was reported as still flourishing. Surface finds from the site range from Late Stone Age material to mediaeval ceramics.

Rules have been established to control the sanctity and secrecy of the site and to prevent such activities as tree cutting.

The forest is in good condition with negligible encroachment from surrounding farms.

There is a threat to the setting from lead mining.

- *Kaya Ribe*

Unlike other *kayas*, Ribe is sited in a valley at the fork of a river and has only one entrance path.

In 1848 it is recorded as a village of some 600 people; by 1914 it had been abandoned.

The solitary grave of the reputed founder Mwazombo Chitoro is within the site as is the grave of a famous female diviner, Mengange. A Rain prayer ceremony is held annually, with the participation of the community members, as are planting and harvesting ceremonies

A regular meeting of elders enforces rules to protect the site.

The forest is in good condition.

- *Kaya Kinondo*

Kinondo is an outlier from the other nominated *kayas*, sited a few hundred metres from the beach, around 35 km south of Mombasa. The forest is a remnant of previously much more extensive coral rag forest vegetation, which has been cleared for extensive hotel and holiday home development. On the seaward side of the *kaya* is a main road and beach houses; on the inland side are three villages amidst coconut palms.

The paths through the somewhat open canopy are indistinct but well known. The *kaya* continues to be used for community ceremonies and rituals as well as for healing and divination.

The coral rag forest found at Kinondo is highly diverse and rich in species of moths and butterflies but under severe threat due to population expansion and tourism development. The site is also threatened by extraction of coral blocks.

*Secondary kayas:*

- *Kaya Kauma*

Situated in a semi-arid zone, the dry deciduous forest is surrounded by scrubby vegetation with scattered farm plots and small houses.

In 1845 a village was recorded on the site and people were still living there in 1913. By 1986 a solitary elder was in residence. Surface finds suggest intermittent settlement from the late Stone Age and more significant evidence post 1500 AD related to significant exploitation of the fertile river valleys.

The three gates into the village are still recognised and pieces of timber remain. The burial sites are still in use by some members of the community. Hidden in the forest are the locations of the huts for ritual friction drums.

The *Kaya* Elders meet weekly to coordinate the care of the site and adherence to traditional rules.

The forest is relatively undisturbed. The main threat is agricultural encroachment and low key manual iron quarrying has affected the outskirts of the *kaya*. The boundary is said to be stable.

- *Three Rabai Kayas - Mudzimuvya, Bomu and Fimboni*

The *Mudzimuvya, Boma and Fimboni kayas* together form a single block of deciduous forest on a ridge, a dominant feature in the landscape, overlooking Mombasa some 30 km distant. The tops of the ridge are less densely afforested than the slopes. On the western, inland side which catches the rain, there are dense settlements and coconut plantations; on the eastern drier side, arable fields.

Although settled it seems at different times, the three *kayas* are now linked as a single unit, with specific roles being assigned to each *kaya* in Rabai rituals.

The forest in the three *kayas* is regarded as some of the most important in terms of conservation value. Encroachment has been a problem but is said to have stopped since the area was gazetted in 2002.

*Kaya Mudzimuvia:*

Mudzimuvia has only one access path. A place known as *Mji wa Garoni* is where the Elders meet to administer oaths, while immediately inside the gate is a space where the elders rest their forked sticks of office for the period they are inside the *kaya*.

Excavations have revealed 10<sup>th</sup> century local pottery as well as 14<sup>th</sup> century pottery imported from the Swahili towns along the coast.

*Kaya Bomu:*

Bomu is the best preserved of the three *kayas*. Along the western path leading to the central clearing there are ritual rest-points where visitors must pause.

*Kaya Fimboni:*

Kaya Fimboni is the smallest of the *kayas* and is largely seen as an adjunct of Bomu.

The Rabai Kaya elders are responsible for all three *kayas*. They are amongst the most active in the area, meeting once a week to keep ceremonies alive and also work with the local administration to combat infringement of rules and give assistance on family and land disputes.

- *Two Duruma Kayas – Mtswakara and Gandini*

Located some 23km west of Mombasa in a semi-arid area with low population density, the two *kayas* meet along side a short stretch of the Mambone river, which flows into the Mwache Creek. The forest is moist near the river and drier on higher ground. Around the two *kayas* there is cattle rearing and patchy agriculture.

#### *Kaya Mtswakara:*

Various communal ceremonies such as prayers for rain, harvest and general community well-being are still performed in the *kaya*, and it is also visited by individuals praying for personal needs or problems, who are accompanied by a spiritual leader and undertake sacrifices of animals or other types of food.

#### *Kaya Gandini:*

The periphery of the large central clearing in this *kayas* is kept cleared for animals to parade seven times before their ritual slaughter. Near the *moro* site in the forest is a place known as *chizani*, the most sacred site of the *kaya* which must be kept wet at all times, and is only accessible to members of the supreme Council of Elders, the Ngambi.

### ***History and development***

Oral tradition relates that the Mijikenda migrated south from a homeland known as Singwaya, said to be north of Tana in present day Somalia, sometime in the 16<sup>th</sup> century. Their migration was prompted by the expansion of pastoralists particularly the Akwavi Maasai, Galla or Orma. Tradition further relates that the original settlers founded six individual fortified villages known as *makaya* on the ridge running parallel to the Kenyan Coast. Three more *kayas* were added at some time later.

The A-Digo clan are said to be the first group to leave the Singwaya ancestral homelands, followed by the A-Ribe, A-Giriama, A-Jibana, A-Chony, and A-Kambe. There are several oral traditions related to their migration, but all report that they settled in places on the way and in time split into two groups, founding Kaya Kinondo and Kaya Kwale. At the beginning of the 17<sup>th</sup> century further dispersal took place from the two main centres and secondary *kayas* were established. From Singwaya, each of the groups brought their own ritual talisman known as *fungo*, which were buried in the new settlements. The Rabai, Kauma and Digo people formed later along the coast of what is now Kenya, assimilated Mijikenda identity and built their own *kayas*. From details in the legends, the date of establishment of the first *kayas* is suggested to be around 1560 and the last 1870. For centuries the legends purport, the early *kayas* thrived with their inhabitants developing distinctive languages and customs. Eventually dispersal away from the fortified

villages began due to population pressure and internal conflicts.

The legends are said to be corroborated by 19<sup>th</sup> century written histories of the Swahili coastal trading towns which flourished from the 12<sup>th</sup> to the 14<sup>th</sup> centuries with the traders from the coast intermixing with people inland. These suggest an influx of Mijikenda people around the 17<sup>th</sup> century. Support is also found in Portuguese 17<sup>th</sup> century documentation which implies the Mijikenda were settled along the coast by the early 17<sup>th</sup> century.

It has also been suggested that studies of coastal languages can also offer support for the legends. The nine separate dialects which the nine clans of Mijikenda speak are closely related and linked to other languages along the coast of Kenya and Tanzania. Studies of these languages suggest that a proto 'Sabaki' language in Somalia split into Mijikenda, Pokomo and Swahili during the 16<sup>th</sup> and 17<sup>th</sup> centuries.

In recent years the idea of the legends as historical narratives has been challenged by those who see them as an Arab-Swahili political construct to reinforce the unity of the Mijikenda and at the same time their separateness from the Arabs and Swahili along the coast. Recent archaeological survey and excavation of some of the *kayas* has further stimulated a review of the legends. What is now emerging is the idea that the legends are a view of how societies see themselves, emphasising the separateness and isolation of the individual *kayas* and simplifying and condensing into a short time frame complex movements of people over many centuries.

It is now becoming clear that the *kayas* were well established by the early 17<sup>th</sup> century and were not centralised monolithic settlements but related to the agricultural hinterland and centres for widely dispersed villages. The Mijikenda were mainly subsistence farmers who worked iron and copper and imported cloth, fish and pottery from the coastal towns. Their system of worship recognised a creator Mulungu who was omnipresent and lesser spirits in closer proximity to daily life. Their system of governance involved age-sets that cut across clan groupings. The most senior age-set formed the tribal council which governed by consensus and organised annual ceremonies.

Throughout the 19<sup>th</sup> century the use of the fortified villages begun to decline as people started to move away to the surrounding farms or to the coastal towns. The exodus culminated in the early years of the 20<sup>th</sup> century. By the 1940s, almost all the *kayas* were uninhabited. The trigger for the exodus is still debated, but the potential for involvement in the developing trade between the coastal towns, Zanzibar island, Arabia and India seems to be been a primary stimulus. Other factors were probably famine and disease.

The immediate impact of the dispersal of people from the *kayas* to their hinterland was the start of gradual deforestation of the landscape around the *kayas*. This combined with the deliberate preservation of the forest immediately around the *kayas*, heightened the distinction between *kayas* and their setting.

In recent times, an increasing disregard for traditional values and a rising demand for land, fuel wood, iron ore, and construction and carving wood materials have put severe pressure on many of the *kaya* forests. Over the last 50 years, many of the *kayas* have been drastically reduced in size, and land that was communal property has been registered under individual title and sold to nationals or foreign speculators. The nominated *kayas*, part from Kaya Kinondo, appear to be the ones that have been least affected.

In the last ten years efforts to protect the *kayas* have stemmed largely from initiatives to protect the biodiversity of the forest remains through the use of traditional practices.

### ***The Sacred Mijikenda Kaya Forests values***

The values of the nominated sites are linked to the evidence of their former use as fortified villages, to their sacred status today and to the natural forest, protected by communal practices.

## **3. OUTSTANDING UNIVERSAL VALUE, INTEGRITY AND AUTHENTICITY**

### ***Integrity and Authenticity***

#### ***Integrity***

The dossier acknowledges that the *kaya* forests have come under threat over the past few decades in the face of a decline in knowledge about, and respect for, traditional values, due to economic, social, cultural, and other changes in society. There has also been a rising demand for forest products and land for agriculture, mining, and other activities due to increasing population. These factors have resulted in the destruction and loss of the small *kaya* forests and groves. By the time an active conservation programme began to be implemented for the *kayas* in the early 1990s, the sacred forests had suffered considerably. As an extreme example, local agricultural encroachment has reduced forest cover in Kaya Chonyi, (not one of the nominated *kayas*) to a fifth of its original area and Kaya Kinondo has been reduced by hotel development.

In the dossier it is mentioned that several of the *kayas* are threatened by encroachment of agricultural land. What is not clear is how the boundaries as nominated compare with the boundaries of the forested areas of say half a century ago. A case can only be made for their integrity in terms of what now remains – that the areas are still reasonably intact in terms of forest cover as is their setting within agricultural land or plantations. However in the case of Kaya Kinondo, it is clear that the forest cover has been curtailed on its seaward side by clearing and the development of tourist accommodation.

#### ***Authenticity***

The remains of the *kayas* and their forest surroundings have authenticity in terms of their relationship to the relict settlements and in terms of the traditional practices and knowledge systems still in place. However, the

continuation of the intangible practices is vulnerable, and the authenticity of the archaeological remains is also vulnerable to thefts and illegal removal of remains.

During the ICOMOS mission in 2006, a proposal was mooted by the elders of Kaya Giriambi (Fungo) for a partial reconstruction of the *kaya* to recreate the timber palisade, gates and 17 houses with grass thatch representing the 17 clans that evolved from the *kaya*. ICOMOS considers that such a project would require wider consultation as it could impact on authenticity.

From the documentation provided ICOMOS considers that for all the *kayas* except Kaya Kinondo the integrity of the forest within the nominated boundaries is reasonably intact, or could be regenerated. ICOMOS considers that the integrity of Kaya Kinondo has been compromised by the tourist development on its seaward side, as the forest has been reduced and in its place tourist accommodation has been developed which now forms the setting of the site to the east. ICOMOS considers that the nominated sites demonstrate authenticity but that aspects associated with traditional practices are highly vulnerable.

### ***Comparative analysis***

The comparative analysis in the dossier states that the *kayas* are unique when compared to sacred sites around the world. Mention is made of sacred sites in India, China, Nepal, and Madagascar, and within Africa in East Africa, Cote d'Ivoire, Nigeria and Ghana. The case is made that the *kayas* in evolving from living fortified settlements to sacred spaces are unique and this facet is not recorded in other sites. ICOMOS does not accept that this is completely the case, as the Osogbo Grove in Nigeria started as the original location for the first settlement, although it was not fortified in quite the same way as the Mijikenda settlements.

In its 2007 evaluation ICOMOS considered that further comparison could have been made with other landscape sites in Africa, for instance the Dogon, communities in Northern Togo and many settlements in the north of Tanzania (e.g. Handeni), where communities moved down from the hills in the early years of the 20<sup>th</sup> century and where graves, or former habitation sites are considered as sacred and where sacredness had had the effect of preserving biodiversity. ICOMOS also considered that if the former habitation use of the *kayas* is considered crucial to establishing the uniqueness of the *kayas*, more historical evidence was needed to support the association of the Mijikenda with the sites.

Further information has now been provided in the revised dossier on the history of the *kayas* and for the Tanzanian sites associated with Rungwe, Babati, Pare and Handeni, many of which are said to have disappeared as their ritual use has atrophied. However no links have been made between sacred sites and sustaining biodiversity.

Research by Leach and Fairhead (1996, and references therein) on the historical ecology of forests and sacred groves in Guinea, as well as providing another example of the kind of human-landscape-nature relationships that prevail in Mijikenda society, provides a fuller account of

how such landscapes emerge than what is currently available for the Kenya *kayas*. ICOMOS considers that the exceptional value of the *kayas* is linked not to their uniqueness as sacred spaces, or necessarily to the fact that they were formerly habitations sites, but for the profound impact their sacrality has had on protecting pockets of ‘natural’ coastal forests, through their association with cultural identity. There are in Africa and elsewhere many sacred groves associated with societies, some of which are more numerous than the *kayas* and many of which have much longer sacred associations. What is exceptional about the *kayas* is the link between their communities’ reverence for the sacred nature of the sites, which has reinforced the links between the Mijikenda and the forested ridges of the coastal belt, and the profound impact this has had on protecting the coastal forests which otherwise would have all but vanished. The impact of the sacred spaces and the benefits they deliver is now far wider than within the local communities.

IUCN considers that: “*It was wise to reduce the number of kayas included in the nomination by excluding those kayas which experience the biggest threats and/or have the biggest management problems such as Kayas Chitsanze, Diani and Waa). However, the exclusion of a large number of kayas from the nomination has also resulted in the exclusion of some natural values of the nominated property (e.g. Kaya Waa, including one of only two stands worldwide of Cynometra greenwayi, a globally threatened endemic tree).*”

The revised dossier does not justify how the reduced number of sites has been chosen.

IUCN states that: “*The comparative analysis of the revised nomination has not been changed compared to the original nomination. Therefore, IUCN’s previous conclusion in relation to the outstanding universal value of this property and IUCN’s suggestion to prepare an enhanced global comparative analysis remains valid.*”

ICOMOS considers that although the comparative analysis has been amplified, the case made has still concentrated on comparing sacred sites rather than the link between sacred sites and sustaining biodiversity. ICOMOS considers that the *kayas* should be considered as outstanding for their abrupt change from domestic to sacred space and the impact this has had on protecting the coastal forests. ICOMOS considers that a more detailed comparative analysis is needed of all the *kaya* sites in Kenya in order to justify which sites are nominated now and which might be added in the future.

### ***Justification of the Outstanding Universal Value***

The State Party has justified the outstanding universal value of the property based on the following points:

The *kayas*:

- reflect the way the collective attitudes and beliefs of a rural society have shaped the landscape in response to prevailing needs;
- are an aesthetic symbol of the interaction of man and nature; and,

- are forests transformed by spiritual and psychic associations.

### ***Criteria under which inscription is proposed***

The serial nomination of 11 sites was initially nominated on the basis of criteria iii, iv and v (although the numbers of these were not specifically mentioned in the dossier). The revised dossier justifies criteria (iii), (v) and (vi).

*Criterion (iii): bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared.*

The State Party justifies this criterion on the grounds that the *kayas* have been inhabited since the 16<sup>th</sup> century and thus have been shaped by the history of the Mijikenda people. They provide focal points for Mijikenda beliefs, practices and identity and of their place in the cultural landscape of contemporary Kenya.

In the 2007 evaluation, ICOMOS considered that *kayas* provide focal points for Mijikenda religious beliefs and practices, are regarded as the ancestral homes of the different Mijikenda peoples, and are held to be sacred places. As such they have metonymic significance to Mijikenda and are a fundamental source of Mijikenda’s sense of ‘being-in-the-world’ and of place within the cultural landscape of contemporary Kenya. They are seen as a defining characteristic of Mijikenda identity.

In order to justify fully this criterion, ICOMOS considered that more definite attribution needed to be produced to underpin the specific association between the Mijikenda and each of the nominated *kayas*. ICOMOS now considers that this evidence has been produced. However the choice of sites has still to be justified.

ICOMOS considers that this criterion might be justified with further justification on the choice of sites.

*Criterion (v): be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change.*

The State Party justifies this criterion on the grounds that the *kayas* illustrate a settlement which was a response to the social, political and economic forces of a particular period.

ICOMOS considers that since their abandonment as preferred places of settlement, *kayas* have been transferred from the domestic aspect of the Mijikenda landscape to its spiritual sphere. As part of this process, certain restrictions were placed on access and the utilisation of natural forest resources. As a direct consequence of this, whether intended or unintended, the biodiversity of the *kayas* and forests surrounding them has been sustained. The *kayas* are under threat both externally and from within Mijikenda society through the decline of traditional knowledge and respect for practices.

In its 2007 evaluation, ICOMOS considered that what had not been established sufficiently was the link between each of the nominated sites and the traditional knowledge and practices of the Mijikenda that sustain the places. More has been submitted to substantiate this, although ICOMOS considers that the specificity of the *kayas* still should be better documented to demonstrate how the sacrality of the sites has impacted on the natural resources. Again further information is needed on the choice of sites.

ICOMOS considers that this criterion might be justified with further justification on the choice of sites.

*Criterion vi: be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance.*

The State Party justifies this that the *kayas* are now the repositories of spiritual beliefs of the Mijikenda and are seen as the sacred abode of their ancestors. As a collection of sites spread over a large area, they are associated with beliefs of local and national significance, and possibly regional significance as the sites extend beyond the boundaries of Kenya.

ICOMOS suggested this approach in the 2007 evaluation. Since then the number and range of sites has been reduced to a much smaller number. ICOMOS considers that the wider than local and national significance of the *kaya* sites in terms of their ideas and beliefs has not been demonstrated.

ICOMOS considers this criterion has not been justified.

ICOMOS considers that the nominated property might meet criteria (iii) and (v) if further information could be provided on the choice of sites.

#### 4. FACTORS AFFECTING THE PROPERTY

Overall the *kayas* have been and remain under a wide variety of threats. These are detailed in the original and revised dossiers. There is substantial pressure on acquisition of coastal lands and *kaya* forests, being trust lands, are at risk from both national and international developers. Stronger systems of protection, based on a combination of the formal legal framework and traditional systems of protection and community empowerment, are needed to withstand the identified risks to the *kaya* forests and their associated traditions and culture, and particularly to their settings.

##### *Impact of climate change*

The dossier does not address this issue, but because of the important natural values of the sites, ICOMOS considers these issues to be an added aspect of risk to the conservation of the sites.

##### *Risk preparedness*

Response to disasters, particularly fire, is not addressed in the dossier.

##### *Decline of traditional knowledge and practices*

Traditional systems of protection of sacred sites rely heavily on the presence of a homogenous ethnic or cultural community sharing similar values and experiences, on a strong shared belief in the spirit world and its pervasive influence in people's lives, and on a common acceptance of religious and cultural authority figures associated with the sites. For the Mijikenda, this system is not as strong as it was a generation ago. For the nominated *kayas*, all are said to have an active tradition of elders' participation. There is a need for formal acknowledgment of the key role of the elders in protecting the *kayas* to strengthen traditional practices and give respect to traditional knowledge.

##### *Encroachment*

Property development and the building of individual houses have had a marked impact on Kaya Kinondo which has had its forest cover reduced over the last two decades. In six other *kayas* there is said to be a low threat from agricultural encroachment.

##### *Damage to forest resources*

In the absence of guards and the relative decline in a homogenous local community caring for the *kayas*, theft of forest produce for building poles, carving wood, planks, charcoal burning and firewood, is a major issue for certain *kayas* such as Kaya Kauma, Kaya Ribe and Kaya Bombo.

Elsewhere there is evidence of damage to the forest from grazing livestock and dumping of waste.

##### *Theft of cultural property*

Grave markers have been stolen from some *kayas* such as Kaya Kauma. More details could have been provided of the continuing theft of *viganga*, carved wooden memorial posts erected at or in the vicinity of *kayas*. The apparent complicity of some Western museums in this process is of serious concern.

##### *Quarrying and mining*

Low key manual iron quarrying has affected the outskirts of Kaya Kauma, and lead mining the setting of Kaya Kambe. The quarrying of coral blocks is reported to impact on Kaya Kinondo.

The dossier reports the issuing of mining licences for recently discovered titanium. A licence has apparently already been granted to a Canadian company in central Kwale District and this could impact on the *kayas* in that area. None of the currently nominated sites are in Kwale district.

Considerable progress had been made in the last decade to protect the *kayas* and to raise awareness of their significance. Nevertheless countering the threats remains a significant task. Strengthened community involvement and raised public awareness of the value of the forests and local traditions will help. This needs to be supplemented by a national commitment and legal protection.



ICOMOS considers that there are substantial threats to certain *kayas* from quarrying, mining, and development, and to all from the decline of traditional practices.

## 5. PROTECTION, CONSERVATION AND MANAGEMENT

### *Boundaries of the nominated property and buffer zone*

The *kayas* stand out in the landscape as distinct patches of well preserved forests with the forest edges clearly visible. The nominated boundaries follow the forest limits. As a prerequisite for national monument proclamation, and with the involvement and concurrence of respective local *kaya* elders the boundaries of most forests have been marked by concrete beacons. As such the gazetted boundaries are not only recognised in the relevant legislations, but they are also respected by local communities. Prohibition signs have been erected at the sites.

Although there are no nominated Buffer Zones, the communal lands immediately outside the forests are regulated by customary laws/taboo and practices shaped by longstanding association between the local communities and the *kaya* forests. It was pointed out to the mission by the elders of the *kayas* at Rabai that there is a 'buffer' zone surrounding each *kaya* called *chanze* in the local Mijikenda language. This strip of relatively depleted forest 800 to 1000m wide runs round a *kaya*. The 'buffer' zone is defined in terms of taboos prohibiting cultivation, while the practice has been to allow villagers in small numbers to site their homesteads there. This rule appears to be generally observed at the *kayas* north of Mombasa, as in the case of the Rabai *Kayas* and *Kaya Kauma* for instance.

However the settings of the *kayas* are not protected from large scale interventions such as mining and infrastructural development. As set out above, the settings of three *kayas* are affected by quarrying mining, extraction and development and these have not been stopped by the sanctions of community lands. Protection is needed for these settings from buffer zones and other appropriate protective measures.

IUCN notes that: "*the revised nomination includes maps clearly showing all kayas at a 1:50,000 scale. Maps at a finer scale, ideally 1:10,000, would be a better basis for the management of the kayas.*" IUCN recommends: "*mapping and demarcating the boundaries of all the kayas in a participatory manner (ideally through community-based GIS mapping with Nature Kenya).*"

These maps need to incorporate information from the sketch maps on layout and uses. It is recommended that more detailed maps should be produced.

ICOMOS considers that the boundaries of the core zones are adequate, but that the settings of the *kayas* need protecting through buffer zones and other means from adverse large-scale development. Furthermore the *kayas* should be mapped at an enhanced scale, with the maps incorporating information from sketch maps.

### *Ownership*

The nominated *kayas* are mainly either owned by the Government, as Forest Land or Wildlife Reserves (3) or by Local Authorities whose land is held in trust for local people. Parts of *kayas* are privately owned as they have been '*appropriated as part of settlement schemes or urban plot allocation inadvertently or otherwise*'. The extent of this latter category is unclear.

### *Protection*

#### *Legal Protection*

Since lodging of the initial nomination, the *National Museums Act* (1984) and the *Antiquities and Monuments Act* (1996) have been revised and conflated into the *National Museums and Heritage Act* (2006). This Act is at the core of legislation concerning the protection of cultural aspects of the Mijikenda *Kaya* Forests.

Section 2(d) of the *National Museums and Heritage Act* (2006) brings heritage practice in line with current international thinking in redefining "cultural heritage" to include cultural landscapes as "*works of humanity or the combined works of nature and humanity, and areas including archaeological sites which are of outstanding value from the historical, aesthetic, ethnological or anthropological point of view*".

Under the new Act the responsible government Minister may "*make or authorise the National Museums to make bylaws for controlling access thereto, ... and the conduct therein of visitors thereto*" (Section 34(d)).

With respect to the involvement of local communities Section 40(1) of the new Act provides that "*The National Museums may enter into a written agreement with the owner of a monument [by implication local communities] and any other person or persons for the protection or preservation of the monument*". Section 43(3) provides for the performance of religious functions at National Monuments.

In principle this legislation is adequate, and in the past implementation has been generally effective as in respect of the subdivision and purchase of land adjacent to and on *Kaya Diani* (not nominated) for private property development in the 1990s. The purchases were rescinded with the proclamation of the forest as a National Monument in 1996, and to date the developers have not challenged the gazetting.

All the nominated *kayas* are designated either as national monuments (*Kayas Giriama, Kauma, Rabai, Duruma* and *Kinondo*) or Forest Reserves (*Kambe* and *Ribe*).

The regulatory framework for the protection of *kaya* forests is generally adequate but its teeth are in the implementation. In its 2007 evaluation, ICOMOS considered that all the *kayas* should be designated as National Monuments to give the sites the strongest protection against major threats and this was reinforced by the Committee. Two *kayas* remain undesignated as national monuments.

ICOMOS also considered that there was a need to define the significance of the settings of the *kayas* in order to address threats from mining and development activities. ICOMOS still considers that all sites should be designated as National Monuments to acknowledge their cultural rather than natural value.

The revised dossier acknowledges that the traditional protection is effective at deflecting minor infringements but cannot counter threats for determined outsiders such as developers who do not respect traditional taboos. In this instance effective protection relies on designation backed up by involvement of the NMK, and other government agencies such as the Forest Service and the Kenya Wildlife Service. This works for the sites designated as National Monuments.

However, currently the setting of the *kayas* is not protected by any designation and relies on the power of community lands. ICOMOS considers that this is not adequate and that the setting of the *kayas* needs to be defined as a buffer zone and given more than traditional protection, to deflect major threats such as mining and quarrying and other types of development.

### **Conservation**

#### *Inventories, recording, research*

Apart from traditional practices, no details are provided of active conservation of the cultural aspects of the *kayas* nor active intervention in forestry management.

#### *Present state of conservation*

The dossier provides evidence that the various councils of elders maintain the paths and sacred areas of the *kayas*. No overall picture emerges of the health of the forest cover in the *kayas* and precisely what work is being done to encourage regeneration of those areas where there has been previous encroachment. It is therefore difficult to assess the present state of conservation of the *kayas*.

#### *Active Conservation measures*

At present resources are mainly directed to preventative conservation measures to prevent further damage to the sites. In a few *kaya* the WWF has been active in encouraging regeneration of trees.

There have been no formal cultural or archaeological surveys of the *kayas* and therefore there is no inventory of cultural remains, such as gates, paths, grave sites, grave markers and the location of *moro* apart from the sketch plans of some of the sites given in the dossier. ICOMOS understands the sensitivity of the sites and the difficulty of undertaking surveys. However some formal documentation of all the sites would be desirable.

Furthermore it would be desirable to document the traditional knowledge associated with the sites, in order to understand whether this was being sustained.

ICOMOS considers that the preventative conservation of the *kayas* needs underpinning by more knowledge of the natural and cultural attributes of each site

### **Management**

NMK is the statutory body charged with the management of immovable cultural heritage including the Kaya Forests. NMK administers the Kaya Forests through the Coastal Conservation Unit (CFCU) with the main office in Kilifi on the coast north of Mombasa and a second office in Ukunda on the south coast. The Unit is not only responsible for the conservation programme, it also coordinates multi-disciplinary research on various aspects of the *kayas* in collaboration with other departments within NMK and external parties such as WWF and Nature Kenya. Each office has a fieldwork vehicle donated by WWF.

NMK works in collaboration with a number of NGOs including WWF Eastern Africa Programme Office and Nature Kenya. The WWF Regional Office which is based in Nairobi launched an East African Coastal Forest Programme focusing on the sustainable management of Kaya Forests. It has an office at Ukunda.

The dossier states that there is currently no integrated strategic framework for the *kayas* within the heritage sector or the forestry sector.

A Management Plan, 2008-12 has been submitted with the revised nomination. This is a similar document to the one submitted in draft with the initial nomination and refers to all the 36 *kayas* originally nominated. It is not stated if and how this Plan has been approved

The Plan sets out the need for a conservation plan to provide a strategy for both the cultural and natural aspects of the 36 *kayas*, and support for traditional management. It also points to the need for a better management of resources to allow local communities to benefit from the *kayas* and to minimise human/environmental conflicts. The Management Plan indicates intentions to designate all the *kayas* as national monuments, to update the inventory and documentation of cultural monuments, and to develop an integrated marketing strategy to promote eco-tourism of the sites.

While the plan does not provide details of how all of this will be achieved, all of these initiatives are considered worthwhile by ICOMOS. ICOMOS therefore considers that the preparation of the proposed conservation plan for all the *kayas* is urgently needed, with genuine participatory community conservation, coupled with schemes aimed at widening sustainable economic activities for the local population, thereby reducing poverty and pressure on local forest resources. However ICOMOS considers that the Management Plan should be adapted to concentrate on the more manageable and immediate needs of the 11 nominated *kayas*.

#### *Management structures and processes, including traditional management processes*

Each *kaya* has its own Committee of Elders and this committee is wholly and exclusively comprised of male elders. *Kaya* elders are responsible for selecting *kaya* forest guards for each village. The forest guards are responsible for warning the Kaya Elders Committee and CFCU if any trees are cut. Efforts exerted by the elders are recognised by conservationists, and the elders are

required to encourage the youth, middle aged and women of all age groups of their community to participate in the decision making processes of *kayas*. Through CFCU's education and extension programme, some success has been already noted in involving younger members of the community in protecting the *kayas*.

NMK has adopted a collaborative approach with the *kaya* elders. The elders are an integral part of *kaya* institutions since they are custodians of rituals, the esoteric practices and burials, and continuing efforts by NMK to strengthen partnership with *kaya* elders is commendable. A high level of involvement by the elders was noticed at Kayas Kauma, Fungo, and Kinondo.

ICOMOS considers that within the framework of an overall strategic management system, it would be desirable for formal arrangement to be made for each *kaya* to establish working arrangements with the elders and to further empower local communities to take control of the forests.

#### *Indigenous knowledge systems*

Several studies initiated by NMK in collaboration with the Kenya Centre for Indigenous Knowledge (KENRIK) have documented knowledge held by the elders on the utilisation of plant species in the Kaya Forests as herbicides, medicines and edible plants, fruits and mushrooms. This includes knowledge about exploitation of the forest resources and the regulation of uses for sustainability.

#### *Tourism*

A pilot eco-tourism programme has been launched at Kaya Kinondo with funding and technical assistance by WWF. The aim is to partially open the *kaya* forest to visitors, while making sure that the site retains its spiritual integrity. The targeted beneficiaries are local communities, through employment, and the sale of crafts and souvenirs. The profits would be invested into community projects such as the establishment of clinics.

#### *Policy framework: management plans and arrangements, including visitor management and presentation*

There is a small static permanent exhibition of the Mijikenda Kaya Forests in the Museum at Fort Jesus. At Kaya Kinondo a site manager gives an orientation lecture in a reception room before he takes visitors into the *kaya*. There are no interpretive materials such as guidebooks or leaflets. Interpretive facilities need to be developed within the framework of the Management Plan.

#### *Resources, including staffing levels, expertise and training*

The dossier highlights the problems of under-funding of government departments. The NMK, through its coastal Conservation Unit, spends \$75,000 per annum on staffing and this is supplemented by funds from donors of around \$10,000. These funds are however directed much more widely than work on the nominated *kayas*.

ICOMOS considers that the management framework is adequate for the purposes of monitoring and provides a

physical presence in the area and a link between NMK and the *kaya* elders. However, it will be necessary to ensure adequate resources to employ more field staff to address the key conservation issues and to fully implement and the Management Plan.

ICOMOS considers that there is a need to ensure adequate resources to implement and augment the management plan. The plan also needs amending to concentrate on the 11 nominated *kayas*.

ICOMOS also considers that revision and further development of the Management Plan is needed, integrating the conservation and management of both cultural and natural resources, and traditional and non-traditional management practices, working towards a thriving cultural landscape underpinned by traditional practices.

ICOMOS further considers that there is a need to formalise arrangements with *kaya* elders in order to further empower local communities.

## **6. MONITORING**

As mentioned above, there are no formal surveys of the nominated areas nor detailed descriptions of traditional knowledge or the natural forest. Such documentation needs to be put in place as a baseline for further conservation and management. This need is acknowledged in the Management Plan.

The dossier includes monitoring indicators related to the area of forest, number of species, meetings of elders, traditional ceremonies, and community projects – all of which are useful and very relevant.

ICOMOS considers that enhanced basic documentation and mapping are needed for all the sites in order to provide a baseline for monitoring both cultural and natural attributes of the site.

## **7. CONCLUSIONS**

ICOMOS does not consider that all the requests the Committee made when referring this nomination have been met – in particular:

- Designating all *kayas* as National Monuments,
- Protecting the settings of the *kayas*,
- Integrating cultural and natural management.

ICOMOS supports the smaller selection of 11 *kayas* rather than the 36 in the original nomination. However the rationale for the selection of this smaller number has not been provided and indeed at least one site with high natural values has been excluded.

The majority of the nominated sites come into the category of least threatened by development and encroachment. However there are threats of concern. First Kaya Kinondo is in an area where there has been rapid expansion of tourist development including between the *kaya* and the coast which has had the effect of encroaching on the forest cover in the east and damaging the setting of the *kaya*. This has also been

damaged by the extraction of coral blocks for building work. Low key manual iron quarrying has affected the outskirts of Kaya Kauma, and lead mining the setting of Kaya Kambe.

ICOMOS considers that these threats reflect the lack of definition and protection for the settings of the sites. ICOMOS considers that the *kayas* need formal buffer zones with appropriate protection and other appropriate measures to ensure the settings are protected.

ICOMOS considers that the impact on Kaya Kinondo of tourist development has impacted adversely on its integrity and values. ICOMOS considers that this *kaya* should be withdrawn from the nominated property.

As the *kayas* are nominated as cultural sites where the cultural processes are impacting beneficially on the natural values of the site, ICOMOS considers that all the sites need protecting as National Monuments for their cultural values. Currently two are protected as Forest Reserves.

Although the property is not nominated for its natural attributes, and though the forests may not be considered as outstanding for their biodiversity, the forests are a significant part of the cultural value of the sites and ICOMOS considers that a strategic conservation and management approach to the sites is needed to draw together initiatives for both natural and cultural values.

The Management Plan submitted covers the 36 *kayas* of the original nomination. As funds are limited to implement this plan, ICOMOS considers that this plan should be amended to reflect the needs of the nominated sites.

#### ***Recommendations with respect to inscription***

ICOMOS recommends that the nomination of The Sacred Mijikenda Kaya Forests be ***referred back*** to the State party of Kenya in order to allow it to:

- Undertake a more thorough comparative analysis to appraise all the *kayas*, in order to justify the smaller number of nominated *kayas* and to identify which might be added to the serial nomination in due course;
- Withdraw Kaya Kinondo from the nomination;
- Designate Kayas Kambe and Kaya Ribe as National Monuments;
- Enter into formal agreements with *kaya* Elders to establish them as the responsible guardians of the *kayas*;
- Modify the Management Plan to reflect the needs of the nominated *kayas*, in particular integrating the conservation of cultural and natural resources and traditional and non-traditional conservation and management practices;

- Secure resources for the implementation of the management strategy and plan;
- Identify the settings of the *kayas* and put in place Buffer Zones with protection from major developmental threats, particularly mining extraction and building construction, and other appropriate measures to protect the wider settings;
- Produce more detailed mapping of the *kayas*.